



*Minutes subject to approval by the NC Courts Commission at the next meeting

The North Carolina Courts Commission met on Friday, September 7th, 2018 at 10:00 AM at the North Carolina Judicial Center (901 Corporate Center Dr. Raleigh, NC).

Call to Order

The Chair, Rep. Joe John, called the meeting to order, welcomed members of the Commission as well as members of the public present, and laid forth the agenda for the meeting.

Magistrate Working Group

The Hon. Athena Brooks, Special Superior Court Judge, District 29B, Henderson County, gave a report on the Magistrate Working Group and expressed the need for further action to develop a code of conduct for magistrates and develop a reasonable system to enforce such a code.

There was discussion of the 2017 House Bill 126 and the Commission approved by vote to seek introduction of similar legislation during the 2019 legislative session.

Pretrial Release for Criminal Defendants

Jessica Smith, W.R. Kenan, Jr. Distinguished Professor of Public Law and Government, UNC School of Government, gave a PowerPoint presentation on the topic of bail reform.

Chuck Johnson, Executive Director of Wake County Pretrial Services Program, spoke about Pretrial Service Programs. There are 24 pretrial programs throughout North Carolina.

Mark Black, lobbyist for the North Carolina Bail Agents Association, spoke on behalf of the North Carolina Bail Agents Association to provide some perspective of Bail Agents on the subject of Pretrial Release.

Public Comment

Rep. Joe John, Chair, invited members of the public present to provide comment on matters previously discussed.

Sarah Gilooly of the ACLU spoke on behalf of the ACLU and expressed its desire for a legislative study committee on bail reform.

Tony Williams, President of Surety Agents for North Carolina, spoke on behalf of the Advocacy group Surety Agents for North Carolina. He spoke of the need for reasonable payment plans and a 5% minimum on bond fees in the industry.



Andrea “Muffin” Hudson, Director of Community Bail Fund, spoke of how she has been personally affected by shortcomings in the Pretrial Release process and provided her perspective on the need for reform in North Carolina.

Dallas McClain, Instructor at the NC Bail Academy, spoke of issues in the industry and noted that historically there was a \$500 bond minimum that was then changed to \$1,000.

Working Group on Pretrial Release

Rep. Joe John, Chair, directed the establishment of a working group on Pretrial Release issues to be chaired by the Hon. Judge Athena Brooks with Commission members Bert Kemp, Chip Post, Rep. David Rogers, Patrick Haywood, Hon. Regina Parker, Hon. Gale Adams and Hon. N Lorrin Freeman also serving on the working group.

Criminal/Civil Matters Subcommittee Update

Bert Kemp, Public Defender, District 3A, Pitt County, stated that the subcommittee on Criminal and Civil matters, chaired by himself and Hon. Locke Bell, has discussed the issues of MAR’s, sexual batteries, and expunctions. Mr. Kemp expressed the need of the Subcommittee to meet further to discuss these issues, and Rep. John directed that they do so.

Adjournment and Future Commission Meetings

Rep. John adjourned the meeting with the tentative plan to reconvene on Friday, December 7th.